REMARKS

In the present Office Action, claims 1-7 and 9-14 were pending before the Office. Of these, claims 1, 12, and 14 were the only independent claims.

Claims 1-5 and 12-14 were rejected under 35 U.S.C. § 102(b). Claims 6, 7, and 9-11 were rejected under 35 U.S.C. § 103(a).

No claims have been added, amended, canceled, or withdrawn.

A. CLAIM REJECTION UNDER 35 U.S.C. § 102

Claims 1-5 and 12-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,671,267 to August et al. [hereinafter *August*]. Applicants respectfully traverse this rejection.

Independent claim 1 recites, inter alia:

> controlling the set top box via at least one command transmitted by the calling party to the set top box during the telephone call, the controlling including directing the set top box to tune to a television event in accordance with the at least one command.

Independent claim 12 recites, inter alia:

> a processor comprising computer program code adapted to control a set top box via at least one command transmitted by a calling party over a telephone line coupled to the set top box, the command being transmitted during a telephone call, the controlling including directing the set top box to tune to a television event in accordance with the at least one command.

Independent claim 14 recites, inter alia:

> controlling a set top box via at least one command transmitted by a calling party over a telephone line coupled to the set top box, the command being transmitted during a telephone call, the controlling including directing the set top box to tune to a television event in accordance with the at least one command.

Applicants respectfully submit that the rejection is improper. Specifically, Applicants respectfully submit that *August* does not disclose at least the above features for at least the reasons herein. Accordingly, a prima facie case of anticipation has not been established.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Manual of Patent Examination Procedure* § 2131, (8th Ed. 2001) (Rev. 6, September 2007) (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The above features expressly recite controlling including directing a set top box to tune to a television event. The Examiner contends that "August discloses 'the left and right arrow keys 356 and 357 are used to respectively decrement or increment the selected and displayed television channel.'" This contention appears to suggest that changing TV channels somehow equates to the above features. Applicants respectfully disagree and submit that simply changing channels does not equate to the above features. To conclude otherwise would be to completely remove any patentable weight from the expressly recited claim term "event."

Changing channels does not equate to tuning to a television event. By way of non-limiting example, the specification of the present application states on page 6:

> FIG. 3 is a flowchart of a process 300 for notifying a person of a television event via the novel set top box 102. Prior to beginning the process 300, the novel set top box 102 displays a list of user-selectable television events on the television set 116, such as the list of user-selectable television events shown in FIG. 4 (e.g., a list arranged by television channel and start time).

If simply changing channels were considered tuning to a television event, then the notification would either never be sent or always be sent. That is, the "event" would never occur or always occur. Thus, as can be easily appreciated, changing a channel does not equate to tuning to a television "event."

As *August* does not even so much as mention a television "event," let alone tuning to a television "event," Applicants respectfully submit that the rejection under 35 U.S.C. § 102 is improper. Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

B. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over *August* in view of U.S. Patent No. 6,772,436 to Doganata et al. Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over *August* in view of U.S. Patent Publication No. 2005/0028208(a) to Ellis et al. Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *August* in view of U.S. Patent No. 5,640,453 to *Schuchman*. Claim 11 stands rejected under 35 U.S.C. § 103(a) as unpatentable over *August* in view of U.S. Patent No. 6,219,355 to Brodigan. All rejections are respectfully traversed.

Each of the above secondary citations was applied against only various ones of the dependent claims. Applicants

respectfully submit that none of these secondary citations add anything that would remedy the above mentioned deficiency in the primary citation to *August*. Thus, each of the proposed combinations of citations fails to disclose each and every feature of the claims.

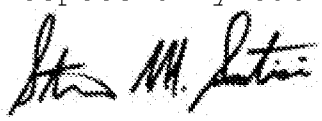
Accordingly, favorable reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

C. CONCLUSION

Since Applicants assert that all the independent claims are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe any other request for extension of time is required but if it is, please accept this paragraph as a request for an extension of time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,



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